

### **REMARKS/ARGUMENTS**

The Office Action mailed July 26, 2005, has been reviewed. Claims 1-33 were pending in the application. Claims 2, 3, 5, 6, 12, 14, 15, 17, 18, 22 and 24-33 were rejected under 35 U.S.C. Section 112, second paragraph. Claims 1, 7-10, 13-15, 19-22, 25-27, 30 and 31 were rejected under 35 U.S.C. Section 102(e). Claims 11, 23 and 32 were rejected under 35 U.S.C. Section 103(a). Claims 12, 24 and 33 were rejected under 35 U.S.C. Section 103(a).

The Examiner kindly noted that claims 5, 17 and 29 would be allowable if rewritten to overcome the 35 U.S.C. Section 112, second paragraph rejection and rewritten in independent form including the limitations of the base claim and any intervening claims. Similarly, the Examiner also kindly explained that claims 4, 16 and 28 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Applicants appreciate the Examiner's consideration in acknowledging allowability of these claims if amended as recommended.

Accordingly, Applicants provide their amendments to the claims which overcome the noted rejections and which are re-written in an allowable format, as kindly directed by the Examiner. Based upon the limitations to the claims now presented, Applicants respectfully traverse the above-referenced rejections, to the extent that such rejections may apply to the amended claims presented herewith. Applicants respectfully request reconsideration of the above-referenced rejections, in view of the amended claims and remarks provided herewith.

### **The Amended and New Claims**

Independent claims 1, 13 and 25 have been re-written to include the limitations of claims 5, 17 and 29, respectively (no intervening claims exist between the referenced dependent and independent claims). In addition, the limitations of claims 5, 17 and 29 have been amended to specify that at least one wall of the housing is disposed at an oblique angle relative to a vertical support surface when coupled to a fixture. The term "configured" has been removed, and the structure which is at an oblique angle has been clarified. Further,

independent claim 25 has been amended to define that the housing includes a compartment to hold dry sheets and a container of premoistened sheets.

Antecedent basis for the amendment to claims 1, 13 and 25 with regard to the structure is found in the specification at page 22 lines 1-9 and/or Figures 18 and 21. Antecedent basis for the amendment to claim 25 regarding the compartment holding dry sheets and a container of premoistened sheets is found in the specification at least at page 22 lines 15-22 and Figures 8, 16 and 22.

Dependent claims 4-6, 16-18 and 28-30 have cancelled. The limitations of claims 5, 17 and 29, as noted above, were included in amended claims 1, 13 and 29.

The limitations of claims 16 and 28, deemed allowable by the Examiner if rewritten in independent form, have been included in new independent claims 35 and 37. New independent claim 35 is identical to previous claim 13, but includes the limitations of claim 16. New independent claim 37 is identical to previous claim 25, but includes the limitations of claim 28 and also defines that the compartment in the housing includes dry sheets and a container of premoistened sheets.

New dependent claims 36 (depending directly from claim 35) and 38 (depending directly from claim 37) include the limitations of previous dependent claims 18 and 30, respectively. The term "configured" has been removed, and the structure which is substantially parallel to a vertical support surface has been clarified. New dependent claims 36 and 38 define that at least one wall of the housing is positioned substantially parallel to a vertical support surface when the dispenser is coupled to a fixture. Antecedent basis for this definition is found in the specification at page 19 lines 6-17 and/or Figures 11 and 15.

Claims 2, 14 and 26 have been amended to specify that the housing is constructed from a material which includes paperboard. Claims 3, 15 and 27 have been amended to define that the housing is constructed from a material which includes polymer film. Claims 12, 24 and 33 have been amended to clarify that the housing is constructed from a material which includes cellophane. Antecedent basis for the amendments to these claims is found in the

specification at page 10 lines 11-17 and page 25, lines 13-18. Claims 10 and 22 have been amended to specify that the compartment includes dry sheets and a container of premoistened sheets. Antecedent basis for this amendment is stated above.

Applicants respectfully submit that the amendments to existing claims, canceled claims and new claims provide no new issues. Further, Applicants respectfully submit that all amendments and new claims are provided in conformance with the Examiner's kind recommendations for allowance. Therefore, Applicants respectfully request that all amended and new claims be entered and considered.

Applicants' Response to the 35 U.S.C. Section 112 Rejection

Claims 2, 3, 5, 6, 12, 14, 15, 17, 18, 22 and 24-33 were rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite. Applicants respectfully traverse the rejection, to the extent that such rejection may apply to the amended claims and new claims.

Dependent claims 4-6, 16-18 and 28-30 have cancelled. Dependent claims 2, 14 and 26 have been amended to clarify that the housing is constructed from a material which includes paperboard. Dependent claims 3, 15, 27 and 12, 24 and 33 have been similarly amended to clarify that the housing is constructed from a material which includes polymer film (claims 3, 15 and 27) or cellophane (claims 12, 24 and 33).

Claims 10, 22 and 25 have been amended to specify that the compartment includes dry sheets and a container of premoistened sheets.

In view of the amendments to the claims, as well as the canceled claims, Applicants respectfully submit that the rejection of the above-referenced claims under 35 U.S.C. Section 112, second paragraph should be withdrawn.

Applicants' Response to the 35 U.S.C. Section 102(e) and 103(a) Rejections

Claims 1, 7-10, 13-15, 19-22, 25-27, 30 and 31 were rejected under 35 U.S.C. Section 102(e) as being anticipated by Sauer et al. '626. Claims 11, 23 and 32 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Sauer et al. '626 in view of Ponsi et al. Claims 12, 24 and 33 were rejected

under 35 U.S.C. Section 103(a) as being unpatentable over Sauer et al. '626 in view of Medoff. Applicants respectfully traverse the rejections, to the extent that such rejections may apply to the presently amended and new claims.

In view of Applicants' present amendment to the claims and new claims, as well as the Examiner's conclusion of allowability of claims 4, 16, 28 and 5, 17 and 29, so long as the referenced claims were rewritten to overcome any 35 U.S.C. Section 112 rejection as well as to include the limitations of the base claim and any intervening claims, it is respectfully submitted that the 35 U.S.C. Section 102(e) and 103(a) rejections are moot as applied to the present claims.

#### Conclusion

Amended independent claims 1, 13 and 25 provide the limitations of allowable claims 5, 17 and 29, respectively. New claims 35 and 37 provide the limitations of allowable claims 16 and 28, respectively. In addition, pending dependent claims 2-3, 7-12, 14, 15, 19-24, 26, 27, 31-33, 36 and 38, which depend directly or indirectly from one of the above-referenced independent claims, each includes all of the limitations of the base claim from which it depends and any intervening claim(s), and therefore is similarly allowable.

Hence, it is respectfully submitted that all pending independent and dependent claims are now in a condition for allowance. Favorable action is respectfully solicited.

Applicants' attorney would welcome an opportunity to discuss any portion of this submission with the Examiner. While Applicants have provided their Notice of Appeal herewith, Applicants respectfully encourage the Examiner to telephone the undersigned to resolve any remaining issues so that this application may be passed in a timely manner to allowance. The undersigned may be reached at 770-587-8653.

Please charge any prosecutorial fees which are due to Kimberly-Clark  
Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

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